

Before the
Federal Communications Commission
Washington, D. C. 20554

FCC 07M-50
06713

NOV 27 2007

In the Matter of)	EB Docket No. 07-197
)	
Kurtis J. Kintzel, Keanan Kintzel, and)	File No. EB-06-IH-5037
all Entities by which they do business)	FRN: 0007179054
before the Federal Communications)	
Commission)	
)	
Resellers of Telecommunications Services)	NAL/Acct. No. 200732080029
)	
)	

ORDER

Issued: November 15, 2007

Released: November 16, 2007

A Prehearing Conference was held on November 15, 2007. *See Order* FCC 07M-39, released October 11, 2007.

The following pleadings were discussed.

- A. NASUCA Petition to Intervene As Party.¹
- B. Enforcement Bureau's Motion to Dismiss Seriatim Informal Requests.²
- C. Motion of Kintzels to Modify Issues.³
- D. Request that Presiding Officer Rule on Motion to Modify Issues.⁴

The parties are to file a Joint Status Report on **December 21, 2007**, describing discovery

¹ National Association of State Utility Consumer Advocates ("NASUCA") was represented in court by Kathleen F. O'Reilly, Esquire, and NASUCA's arguments for intervention were heard on-the-record. Intervention was taken under advisement for expedited ruling.

² Decided in part by *Order* 07M-47, released November 9, 2007. Question now moot in light of bench ruling that Motion to File an Additional Pleading was orally denied without further pleadings.

³ Parties to file joint motion to withdraw this pleading from Commission docket. First page of motion is to be modified to direct pleading to Presiding Judge in accordance with Commission rules of practice. **47 C.F.R. §1.209**. Enforcement Bureau shall have 14 days from filing of joint motion to file a renewed Opposition to Motion to Modify Issues. The Presiding Judge will issue an *Order* setting specific Opposition date, and Kintzels shall file Reply within 5 days after Opposition. **47 C.F.R. §1.294 (e)**.

⁴ Dismissed as moot by bench ruling. *See* fn. 3.

that is completed, discovery that is underway, and discovery that is still to be undertaken (e.g. depositions). The Joint Status Report should include proposed procedural and hearing dates, if practicable, and any other matters affecting progress of discovery.⁵

SO ORDERED.

FEDERAL COMMUNICATIONS COMMISSION⁶

A handwritten signature in black ink, appearing to read "Richard L. Sippel". The signature is fluid and cursive, with the first name "Richard" and last name "Sippel" clearly legible.

Richard L. Sippel
Chief Administrative Law Judge

⁵ In the interest of saving time, the parties were asked to consider having motions to produce Commission documents directed to the Presiding Judge for rulings, *in lieu* of FOIA procedures and appeals. Upon reflection such procedure may be *ultra ires* the power of the Presiding Judge. Cf. §1.311(b)(3) (inspection of Commission records is governed by FOIA and by §0.452 through 0.467). Therefore, in the interest of administrative efficiencies, the parties should use all possible efforts to cooperate in intra-party document discovery

⁶ Courtesy copies of this *Order* are being e-mailed to each counsel of record on the date of issuance.